

REMARKS

Applicant respectfully requests the consideration of the following remarks and the reconsideration of the application.

Claims 31-35 and 70-75 were objected to because of informalities. Without admitting the propriety of the objection, Applicant amends claims 31 and 70 according to the suggestion of the Office Action.

The amendment filed May 25, 2005 was objected to because of the “incorporation by reference” clause. Note that the Utility Patent Application Transmittal of the present application specifies that the present application is a divisional application of a co-pending parent application and

“The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.”

Thus, the “incorporation by reference” clause does not introduce new matter.

Claims 26-40 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 26-40 of co-pending U.S. Patent Application No. 10/428,059. Since claims 26-40 of co-pending U.S. Patent Application No. 10/428,059 have been canceled, the double patenting rejection under 35 U.S.C. 101 is overcome.

Claims 41-81 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-144 of copending Application No. 10/428,059. Applicant respectfully disagrees. Applicant is willing however,

without admitting that the obviousness type double patent rejection is proper, to submit a terminal disclaimer upon an indication of allowable claims.

Claims 26-81 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees.

Claims 26, 31, 64 and 70 were rejected for reciting “method in a graphical user interface”. Without admitting the propriety of the rejection, Applicant amended the claims to recite “method to implement a graphical user interface”.

Claims 26-40 and 64-81 were rejected because the Office Action asked the question whether the method in a graphical user interface is the issue or the control of parameters is the issue. Applicant respectfully submits that, in at least one embodiment of the present invention, a graphical user interface is implemented to receive input and to adjust parameters displayed in the graphical user interface according to the received input. Applicant respectfully submits that the pending claims sufficiently clearly recite the methods and apparatuses according to embodiments of the present invention.

Claims 41, 48, 52, 56, 59, 60, 63, 64, 70 and 76 were rejected for using the word “depicted”. Without admitting the propriety of the rejection, Applicant amended the claims to use the word “displayed”.

Claims 26-81 were rejected for being abstract. Without admitting the propriety of the rejection, Applicant amended the claims to recite “a display device”. The term “display device” is clearly supported by the specification (see, e.g., page 9, lines 29-31; page 10, lines 28-30; the specification of the present application). Applicant respectfully submits that methods and apparatuses for a graphical user interface that receives input from an input device and displays on a display device are useful, concrete and tangible.

Applicant respectfully requests the consideration of the description on page 14 and Figure 5 of the present application. Specially, in page 14, the specification shows:

“If the cursor is positioned over timeline 14 and the mouse button is depressed and kept depressed, control knob 16 will be highlighted and will move correspondingly to the vertical movement of the mouse. As control knob 16 slides up vertical bar 15, the scale of timeline 14 increases (i.e., the amount of time covered by the timeline increases), thereby decreasing the resolution of timeline 14.” (page 14, lines 5-10, the specification).

In Figure 5, it is clearly shown that the timeline (14) is a user interface element located in one region and the slider including the knob (16) is another user interface element located in another region. When the cursor is “positioned over timeline 14”, the cursor is clearly outside the region in which the slider including the knob 16 is located. In one mode of the operation, the vertical movement of the mouse controls the knob (16) while the cursor is positioned over the timeline (14). Thus, the vertical movement input is used to adjust the parameter under control of the slider/knob (16) while the cursor is outside the region where the slider/knob (16) is. The slider/knob (16) is in one region of the display of the graphical user interface; and the timeline (14) is in another region of the display of the graphical user interface. The slider/knob (16) and the timeline (14) are in different regions of the display of the graphical user interface.

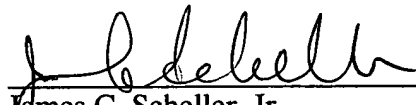
Applicant hereby petitions for an extension of time to respond to the pending Office Action, and a check for the necessary extension fee is enclosed.

Please charge any shortage of fees or credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

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